

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

## **ORDER**

Plaintiff Anthony DeFranco has filed an appeal of Magistrate Judge's Order granting in part and denying in part Mr. DeFranco's motion to amend and supplement complaint (2<sup>nd</sup> Time) (Doc. 114).

The magistrate Judge granted the motion to permit Mr. DeFranco to add a claim of retaliatory transfer, but denied his motion to add four new defendants. The Magistrate Judge explained that Plaintiff is free to pursue his new allegations in a separately filed action. We see no error in the Magistrate Judge's Order.

The following Order is therefore entered.

AND NOW, to-wit, this 27<sup>th</sup> day of February, 2006, it is hereby ORDERED,  
ADJUDGED, and DECREED that Plaintiff's Appeal of Magistrate Judge's Order (Doc. 148)  
be and hereby is DENIED.

Maurice B. Cohill, Jr.  
Maurice B. Cohill, Jr.  
Senior United States District Judge

cc: Anthony Defranco, pro se  
counsel of record